

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal No. 2:23-cr-20191-MSN
)	
)	
JUSTIN SMITH, <i>et al.</i>,)	
)	
Defendants.)	

REVISED PROPOSED VERDICT FORM

The United States respectfully submits its proposed verdict form. The government's verdict form is consistent with the form used in other, similar 18 U.S.C. § 242 cases. The parties have not agreed on a form. The United States circulated a draft verdict form on August 11, 2024, (ECF No. 487) and the defendants proposed alternative verdict forms. On August 23, defendant Emmitt Martin pled guilty to Counts 1 and 3 of the indictment. This revised verdict form has been updated to remove defendant Emmitt Martin.

Respectfully submitted,

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SPECIAL VERDICT FORM

COUNT 1

(Deprivation of Rights Under Color of Law – Excessive Force and Failure to Intervene)

DEFENDANT JUSTIN SMITH

We, the jury, unanimously find the defendant, **Justin Smith**,

Guilty ____

Not Guilty ____

of the crime of deprivation of rights under color of law as charged in **Count 1** of the Indictment.

INSTRUCTION: If you find defendant Justin Smith guilty as to **Count 1**, then check “yes” or “no” below. If you find defendant Justin Smith not guilty as to Count 1, move to defendant Tadarrius Bean.

We, the jury, unanimously find that the offense charged in **Count 1** resulted in the death of Tyre Nichols:

Yes ____

No ____

DEFENDANT TADARRIUS BEAN

We, the jury, unanimously find the defendant, **Tadarrius Bean**,

Guilty ____

Not Guilty ____

of the crime of deprivation of rights under color of law as charged in **Count 1** of the Indictment.

INSTRUCTION: If you find defendant Tadarrius Bean guilty as to **Count 1**, then check “yes” or “no” below. If you find defendant Tadarrius Bean not guilty as to Count 1, move to defendant Demetrius Haley.

We, the jury, unanimously find that the offense charged in **Count 1** resulted in the death of Tyre Nichols:

Yes ____

No ____

DEFENDANT DEMETRIUS HALEY

We, the jury, unanimously find the defendant, **Demetrius Haley**,

Guilty ____

Not Guilty ____

of the crime of deprivation of rights under color of law as charged in **Count 1** of the Indictment.

INSTRUCTION: If you find defendant Demetrius Haley guilty as to **Count 1**, then check “yes” or “no” below. If you find defendant Demetrius Haley not guilty as to Count 1, move to Count 2.

We, the jury, unanimously find that the offense charged in **Count 1** resulted in the death of Tyre Nichols:

Yes ____

No ____

COUNT 2

(Deprivation of Rights Under Color of Law – Deliberate Indifference)

DEFENDANT JUSTIN SMITH

We, the jury, unanimously find the defendant, **Justin Smith**,

Guilty ____

Not Guilty ____

of the crime of deprivation of rights under color of law as charged in **Count 2** of the Indictment.

INSTRUCTION: If you find defendant Justin Smith guilty as to **Count 2**, then check “yes” or “no” below. If you find defendant Justin Smith not guilty as to Count 2, move to defendant Tadarrius Bean.

We, the jury, unanimously find that the offense charged in **Count 2** resulted in the death of Tyre Nichols:

Yes ____

No ____

DEFENDANT TADARRIUS BEAN

We, the jury, unanimously find the defendant, **Tadarrius Bean**,

Guilty ____

Not Guilty ____

of the crime of deprivation of rights under color of law as charged in **Count 2** of the Indictment.

INSTRUCTION: If you find defendant Tadarrius Bean guilty as to **Count 2**, then check “yes” or “no” below. If you find defendant Tadarrius Bean not guilty as to Count 2, move to defendant Demetrius Haley.

We, the jury, unanimously find that the offense charged in **Count 2** resulted in the death of Tyre Nichols:

Yes ____

No ____

DEFENDANT DEMETRUS HALEY

We, the jury, unanimously find the defendant, **Demetrius Haley**,

Guilty ____

Not Guilty ____

of the crime of deprivation of rights under color of law as charged in **Count 2** of the Indictment.

INSTRUCTION: If you find defendant Demetrius Haley guilty as to **Count 2**, then check “yes” or “no” below. If you find defendant Demetrius Haley not guilty as to Count 2, move to Count 3.

We, the jury, unanimously find that the offense charged in **Count 2** resulted in the death of Tyre Nichols:

Yes ____

No ____

COUNT 3

(Conspiracy)

DEFENDANT JUSTIN SMITH

We, the jury, unanimously find the defendant, **Justin Smith**,

Guilty ____

Not Guilty ____

of the crime of conspiracy as charged in **Count 3** of the Indictment.

DEFENDANT TADARRIUS BEAN

We, the jury, unanimously find the defendant, **Tadarrius Bean**,

Guilty ____

Not Guilty ____

of the crime of conspiracy as charged in **Count 3** of the Indictment.

DEFENDANT DEMETRIUS HALEY

We, the jury, unanimously find the defendant, **Demetrius Haley**,

Guilty ____

Not Guilty ____

of the crime of conspiracy as charged in **Count 3** of the Indictment.

COUNT 4

(Obstruction of Justice)

DEFENDANT JUSTIN SMITH

We, the jury, unanimously find the defendant, **Justin Smith**,

Guilty ____

Not Guilty ____

of the obstruction of justice as charged in **Count 4** of the Indictment.

DEFENDANT TADARRIUS BEAN

We, the jury, unanimously find the defendant, **Tadarrius Bean**,

Guilty ____

Not Guilty ____

of the obstruction of justice as charged in **Count 4** of the Indictment.

DEFENDANT DEMETRIUS HALEY

We, the jury, unanimously find the defendant, **Demetrius Haley**,

Guilty ____

Not Guilty ____

of the obstruction of justice as charged in **Count 4** of the Indictment.

Foreperson

(Date)